



docketing date on the correspondence itself. Next, he enters the docket dates into our automated docketing system. According to our standard docketing procedures, every Office Action is docketed for two weeks from the mailing date to be reported to the client. It is also docketed for a three-month shortened statutory response period and a six-month statutory response period and Final Office Actions are docketed for a six-month Notice of Appeal. None of these entries appear in our docketing system.

The next step, the mail is routed to the secretary assigned to the responsible attorney; in this case, myself, for a two-week reporting letter to the client. Since it is rare and out of the ordinary that the undersigned receives a First Office Action Final rejection, if the mail had been received, I would have a recollection of such receipt. In fact, I have no recollection of receiving the December 21, 1999 Office Action.

We have verified that the Patent Office received and in the parent application used the correct mailing address for Applicant's representative.


In view of the failure to receive any Office Action in the above-captioned application, we request that a new copy of the Office Action and any other papers which should have been mailed to Applicant's representative since the filing of the CPA request be resent and a new time period be set for response.

In view of the advice that a first Office Action Final was mailed on December 21, 1999, and the short time between Applicant's discovery of such action on June 14, 2000 and the six month response period, Applicants do not believe that it should be necessary to petition and pay for Extension of Time and Notice of Appeal due to the lack of any delay on the part of Applicant or Applicant's representative. In the event that the Patent and Trademark Office does not agree, we

respectfully and conditionally request an extension of three months of the period for response to the alleged Office Action dated December 21, 1999 and hereby conditionally appeal to the Board of Patent Appeals and Interferences from the examiner's alleged decision dated December 21, 1999. As discussed above, the Commissioner is hereby conditionally authorized to charge \$870 extension of time fee and \$300 Notice of Appeal fee to Deposit Account No. 06-2375, under Order No. 414.013/09504869. The Commissioner is also authorized to charge any additional fees associated with this filing or credit any overpayment to such Deposit Account No. under such Order No. This document is being filed in triplicate.

Respectfully submitted,

Date: 15 June 00

  
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